



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

*Qw*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/215,752    12/18/98    NUXOLL

A    AT9-98-464

DUKE W YEE  
CARSTENS YEE AND CAHOON  
P O BOX 802334  
DALLAS TX 75380

LM01/0620

EXAMINER

COURTENAY III, S

ART UNIT

PAPER NUMBER

2755

DATE MAILED:

06/20/00

*5*

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/215,752

Applicant,  
Nuxoll et al.

Examiner  
St. John Courtenay III

Group Art Unit  
2755



☒ Responsive to communication(s) filed on Jan 27, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-24 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-24 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

### **Detailed Action (second action non final)**

This second, non final, office action is responsive to Preliminary Amendment A, received by fax on June 8, 2000, but accorded a mail date of receipt of January 27, 1999. A photocopy of a PTO post card receipt was included with the fax that clearly shows the original mailed copy of the preliminary amendment was, in fact, received by the PTO on January 27, 1999, even though the paper was never matched with the file (as of Thursday, June 15, 2000).

Preliminary Amendment A adds claims 13-24. Claims 1-24 are now pending.

#### **Claim Rejections - 35 U.S.C. 102**

**The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:**

*A person shall be entitled to a patent unless --*

*(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

**Claims 1-24 are rejected under 35 U.S.C. § 102(b) as being anticipated by Lippman et al., "Media Banks: Entertainment and the Internet," IBM Systems Journal - Vol. 35, Nos. 3 & 4, 1996.**

**As per claims 1, 13, 19:**

**Lippman** teaches a method in a software component for processing a data object in a data processing system, the method comprising the computer-implemented steps of:

- sending a query for a meta definition of a data object [e.g., see page 8, §2, as copied below, i.e., "queries the meta-data database on the client's behalf"];
- and,
- processing the data object according to attributes in the meta definition for the data object [e.g., see page 8, §2, as copied below, i.e., "the interface removes the NUIDs of objects"];

e.g., page 8, §2:

“Clients wishing to access the Media Bank initially do so through the object meta-data interface module. This module takes the client's request in the form of an RPC (remote procedure call) and then extracts and queries the meta-data database on the client's behalf. Among other things, the interface removes the NUIDs of objects on object servers that failed to check in with the directory server. A typical exchange between a client and the directory server is shown in Figure 8.”

See also, e.g., page 9, lines 1-3:

“This is important as it means that any media bank server or client can access any server and use the same suite of RPCs to extract meta-data information regarding objects known to that server.”

**As per claims 2, 14, 20:**

**Lippman** teaches determining an object type of a data object, before querying for a meta definition for the data object [e.g., see last line of page 7, and first paragraph of page 8:

“For example, the object type (e.g., image/mjpg, audio/raw, application/playlist) is currently appended to the NUID vector to speed up pruning unsuitable objects on the basis of type without having to contact the object server for the object.”

**Also see page 8, §2, lines 1-3:**

“Notice that the directory server responds to the client's request for information regarding objects that match the name *t2-movie-browser* with an object with type set to *item multipart locator* and the data set to a vector of length two, where each entry corresponds to an object stored on another server.” ]

**As per claims 3, 15, 21:**

**Lippman** teaches receiving the meta definition for the data object prior to the step of processing the data object [e.g., page 8, §2, line 1:

“Clients wishing to access the Media Bank initially do so through the object meta-data interface module.”].

**As per claim 4:**

**Lippman** teaches the software component is in a client [e.g., see page 9, last paragraph, page 10 paragraphs 1 & 2:

“Accordingly, Media Bank clients are given the ability to execute smart objects that define procedures and applets in a similar fashion to those found in the Tcl/Tk (tool command language/toolkit) clients of the Berkeley VoD (video-on-demand) project<sup>2,3</sup> and the Java\*\*-capable clients of Sun Microsystems and [page 10] Netscape Communications Corporation. The Media Bank clients execute objects that are written in Scheme, the same language used to represent the object meta-data. Correspondingly, Media Bank clients tend to be very similar internally to the

object and directory servers they access. A diagram showing the internal structure of a Media Bank client is shown in Figure 10.

There are five main modules in the Media Bank client library suite. As with the Media Bank servers the Dtc core (Dtype and Dsys) libraries and Scheme evaluator lie at the center. However, in addition to the Dtc core libraries there are several other libraries that augment the functionality of the Scheme evaluator.” ]

**As per claim 5:**

**Lippman** teaches the query for the meta definition for the data object is sent to a Meta Data Service [e.g., page 8, §2, line 1:

“Clients wishing to access the Media Bank initially do so through the object meta-data interface module.”].

**As per claim 6:**

**Lippman** teaches the meta definition is cached to improve the performance of the Meta Data Service [e.g., page 9, § 2, see 3 lines from the end of paragraph:

“This new version of MDBP will be completely distributed and will blur the distinction between clients and object servers by allowing the clients to cache object data and subsequently apply the data to their peers as requested.” ]

**As per claims 7, 16, 22:**

**Lippman** teaches a method in a software component for processing a data object in a data processing system, the method comprising the computer-implemented steps of:

- receiving a query for a meta definition of a data object [e.g., see page 8, §2, as copied below, i.e., “queries the meta-data database on the client’s behalf,” i.e., the meta-data database received the query from the client side];
- ; and
- sending a meta definition of a data object in response to the query for the meta definition [see pages 8 & 9, i.e., the meta-data database sends the meta definition in response to the query from the client side].

e.g., page 8, §2:

“Clients wishing to access the Media Bank initially do so through the object meta-data interface module. This module takes the client’s request in the form of an RPC (remote procedure call) and then extracts and queries the meta-data database on the client’s behalf. Among other things, the interface removes the NUIDs of objects on object servers that failed to check in with the directory server. A typical exchange between a client and the directory server is shown in Figure 8.”

See also, e.g., page 9, lines 1-3:

“This is important as it means that any media bank server or client can access any server and use the same suite of RPCs to extract meta-data information regarding objects known to that server.”

**As per claims 8, 17, 23:**

**Lippman** teaches storing at least one meta definition of a data object [e.g., page 11, §5, beginning line 7:

“In this case the meta-data for the object are fetched from the appropriate object server and then remaining objects are placed into a field tagged "backup-info" that is then appended onto the meta-data for the object.” ]

**As per claims 9, 18, 24:**

**Lippman** teaches at least one object attribute in the meta definition of the data object [e.g., page 4, see last 3 paragraphs at bottom of page:

“The representation chosen separates media objects into two parts. The first part consists of meta-data about the object. For example, the meta-data for a video clip object would describe the length of the clip, its resolution, its compression format, and information needed for indexing and retrieval. The meta-data could also include a function that describes a browser for viewing the video. The actual data for the video clip are not stored with the meta-data. Instead, they are stored in the second part, and referenced from the meta-data part. Several key benefits are afforded by segregating an object's meta-data and data.

The first benefit is that one need not retrieve the entire object to learn its characteristics, one need only retrieve the **lightweight meta-data**. Thus, one avoids the overhead associated with retrieving the entire object for the purposes of determining whether or not it is what is wanted, only to discard it upon finding that it is not. In other words, the overhead of filtering on the basis of content is greatly reduced.” ]

**As per claim 10:**

**Lippman** teaches the software component is a Meta Data Service.

[e.g., page 11, §5, beginning line 7:

“In this case the meta-data for the object are fetched from the appropriate object server and then remaining objects are placed into a field tagged "backup-info" that is then appended onto the meta-data for the object.” ]

**As per claim 11:**

**Lippman** teaches the meta definition for the data object is sent to a software component residing in the client [e.g., see page 9, last paragraph, page 10 paragraphs 1 & 2:

“Accordingly, Media Bank clients are given the ability to execute smart objects that define procedures and applets in a similar fashion to those found in the Tcl/Tk (tool command language/toolkit) clients of the Berkeley VoD (video-on-demand) project <sup>2,3</sup> and the Java\*\*-capable clients of Sun Microsystems and [page 10] Netscape Communications Corporation. The Media Bank clients execute objects that are written in Scheme, the same language used to represent the object meta-data. Correspondingly, Media Bank clients tend to be very similar internally to the object and directory servers they access. A diagram showing the internal structure of a Media Bank client is shown in Figure 10.

There are five main modules in the Media Bank client library suite. As with the Media Bank servers the Dtcore (Dtype and Dsys) libraries and Scheme evaluator lie at the center. However, in addition to the Dtcore libraries there are several other libraries that augment the functionality of the Scheme evaluator.” ]

**As per claim 12:**

**Lippman** teaches the meta definition is cached to improve the performance of the Meta Data Service [e.g., page 9, § 2, see 3 lines from the end of paragraph:

“This new version of MDBP will be completely distributed and will blur the distinction between clients and object servers by allowing the clients to cache object data and subsequently apply the data to their peers as requested.” ].

**Objective — Reducing and Simplifying the areas of disagreement:**

- The Examiner solicits Applicant's cooperation in *reducing and simplifying the areas of disagreement* by doing the following: 1) amending the independent claims in a manner fully supported by the specification to clearly distinguish over the prior art of record, AND/OR 2) directing clear and concise arguments to the *specific claim language and claim elements* that Applicant feels are not fairly taught or suggested by the cited prior art of record. Applicant should cancel claims where appropriate. Applicant should preferably avoid arguing general differences between the cited references and the instant invention as disclosed in the specification. Your cooperation is appreciated.

**• M.P.E.P. 2001.06(b) Information Relating to or from Copending United States Patent Applications**

The individuals covered by 37 CFR 1.56 have a duty to bring to the attention of the examiner, or other Office official involved with the examination of a particular application, information within their knowledge as to other copending United States applications which are "material to patentability" of the application in Question, as set forth by the Court in *Armour & Co. v. Swift & Co.*, 175 USPQ 70, 79 (7th Cir. 1972).

**Requested Format of Amended Claims:**

- Please help expedite the prosecution of this application by including the text of all claims which remain in the case in your amendment response. Please label each amended claim as (AMENDED), or (TWICE AMENDED), or (THREE TIMES AMENDED), etc., after the claim number. Please label each unchanged claim (UNCHANGED) after the claim number [meaning the claim is the same as originally filed]. Please label each canceled claim (CANCELED) after the claim number. The text of a canceled claim does not need to be included. This format is not mandatory, however, it will help expedite the processing of your application. Your cooperation is appreciated.

**Request for copy of your response on floppy disk:**

- The Examiner requests that your amendment response be in paper form accompanied by a 3 1/2 inch IBM format floppy disk which contains a file copy of your amendment response in Adobe Acrobat PDF format (preferred), or in any version of Microsoft Word or WordPerfect, or in ASCII text format. Please include all pending claims, as detailed above. Only the paper copy will be entered — your floppy disk file will be considered a duplicate copy. Signatures are not required on the disk copy. The floppy disk copy is not mandatory, however, your cooperation is appreciated.

**Please verify the CORRECT SERIAL NUMBER in all responses:**

- All incoming papers received by the PTO are matched with the application file by application serial number. Failure to include a correct application serial number on PTO correspondence will result in significant processing delays. The use of the correct PTO application serial number is required on all future correspondence.



## **How to Contact the Examiner:**

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to **St. John Courtenay III** whose voice telephone number is **(703) 308-5217**. A voice mail service is also available at this number.

- All responses sent by U.S. Mail should be mailed to:  
**Commissioner of Patents and Trademarks**  
**Washington, D.C. 20231**
- Hand-delivered responses should be brought to **Crystal Park Two, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist)**. All hand-delivered responses will be handled and entered by the docketing personnel. Please do not hand deliver responses directly to the Examiner.

**All FORMAL or OFFICIAL faxes must be signed and sent to either (703) 308-9051 or (703) 308-9052.**

OFFICIAL faxes will be handled and entered by the docketing personnel. The date of entry will correspond to the actual FAX reception date unless that date is a Saturday, Sunday, or a Federal Holiday within the District of Columbia, in which case the official date of receipt will be the next business day. The application file will be promptly forwarded to the Examiner unless the application file must be sent to another area of the Office, e.g., Finance Division for fee charging, etc.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is **(703) 305-9600**.

**ST.JC/ST.JC, Thursday, June 15, 2000**

**Examiner St. John Courtenay III**

**Art Unit 2755**

A handwritten signature in black ink, appearing to read "St. John Courtenay III", written over a horizontal line.